IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1337 OF 2004

Taibai Hasha Mhatre & Ors. .. Appellants.
Vs.
Rukminibai Sitaram Mhatre & Ors. .. Respondents.

Mr.S.V.Palsuledesai for the appellants.
Mr.V.K.Pradhan for respondent no.1.

CORAM : D.B.BHOSALE, J.

DATED : 12TH FEBRUARY, 2007

P.C.:

. Heard learned counsel for the parties.

2. The concurrent findings recorded by the courts below are under challenge in this appeal. The appeal is arising from the suit filed by the respondent-plaintiff for declaration and vacant possession of the suit premises. The case set up by the plaintiff is that the suit premises was purchased by her husband - Sitaram from his own earnings. In other words, the suit property is his self acquired property and the defendants were allowed to reside therein gratuitously. Both the courts below after having considered the evidence on record have rightly held that the suit premises is self acquired property of the husband of the plaintiff. The

appellants-defendants, except bare averments, have not brought any material on record to show that they are co-owners of the suit premises or the property is the joint family property. Considering that there are concurrent findings recorded by the courts below and as I find sufficient material on record to sustain those findings and considering extremely limited jurisdiction of this court under section 100 of the Code of Civil Procedure to disturb the findings of fact this appeal fails and dismissed as such.

(D.B.Bhosale, J.)